



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during September 2007
DISTRIBUTED: October 10, 2007

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Air:

7-Eleven, Inc., Kittery, Maine. 7-Eleven, Inc. ("7-Eleven") violated the Department's rules for *Gasoline Dispensing Facilities Vapor Control* by failing to install a Stage II Vapor Recovery system when required by Department rules and did not timely conduct an initial performance test on the vapor recovery system. To resolve the violations, 7-Eleven paid \$5,125.00 as a civil monetary penalty.

Greenville Steam Company, Greenville, Maine. Greenville Steam Company ("Greenville Steam") violated provisions of its Department-issued air emission license. Following submission of mandatory reports, the Department documented that Greenville Steam had periodically exceeded license standards for carbon monoxide and opacity between 2004 and 2006. To resolve the violations, Greenville Steam paid \$77,930.00 as a civil monetary penalty.

Stuart, Torno & Stuart, Inc., Lebanon, Maine. Stuart, Torno & Stuart, Inc. ("Stuart Torno") violated provisions of its Department-issued air emission license. During an inspection, the Department documented that Stuart Torno had not conducted required performance testing, specifically Stuart Torno failed to conduct an EPA method 9 visible emissions observation test of the facility's rock crusher as required by the facility's license. Following Department involvement, Stuart Torno conducted the required testing. To resolve the violation, Stuart Torno paid \$1,000.00 as a civil monetary penalty.

Webber Oil Company, Falmouth and Freeport, Maine. Webber Oil Company ("Webber") violated the Department's rules for *Gasoline Dispensing Facilities Vapor Control* by failing to conduct required annual performance testing in a timely manner for Stage II vapor recovery systems at three of its gasoline dispensing facilities. To resolve the violations, Webber paid \$1,500.00 as a civil monetary penalty.

Asbestos:

Steve McGee Construction, LLC a/k/a McGee Construction, LLC, Augusta, Maine. Steve McGee Construction, LLC a/k/a McGee Construction, LLC ("McGee Construction") violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations* by conducting an asbestos abatement activity without being licensed to do so and failing to use work practices and engineering controls designed to prevent the release of asbestos while conducting an asbestos abatement activity. McGee Construction failed to notify the Department as required of an intention to engage in an asbestos abatement activity, failed to use licensed or certified asbestos professionals, failed to comply with applicable project design requirements, failed to comply with applicable work practice requirements, and failed to comply with applicable requirements governing the release of the regulated area while conducting an asbestos abatement activity. To resolve the violations, McGee Construction agreed to provide



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four hours of asbestos awareness training to construction supervisors and laborers engaged in building renovation or demolition projects, and paid \$7,000.00 as a civil monetary penalty.

Land and Mining:

Jack L. Cross, Bethel, Maine. Jack L. Cross ("Cross") violated Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a Notice of Intent to Comply under the *Performance Standards for Excavations* and by excavating gravel from below the seasonal high water table without first obtaining a variance. Department staff inspected Cross's gravel pit and determined that the pit had been expanded by 8.3 acres since 1970. Following Department involvement, Cross submitted a Notice of Intent to Comply, which has been approved by the Department, and submitted a variance application for excavations below the seasonal high water table. To resolve the violations, Cross agreed to immediately cease gravel mining below the water table, pay past due annual licensing fees, and, if the after-the-fact variance is approved, immediately comply with all terms and conditions of the after-the-fact permit. In the event that the after-the-fact application is denied by the Department, Cross agreed to submit a reclamation plan to completely backfill areas where the water table is exposed. Cross paid \$3,500.00 as a civil monetary penalty.

Edgecomb Development, LLC, Edgecomb, Maine. Edgecomb Development, LLC ("Edgecomb Development") violated provisions of Maine's *Natural Resources Protection Act* by placing fill and disturbing soil adjacent to a protected natural resource without first obtaining a permit from the Department, by constructing permanent structures adjacent to a protected natural resource without first obtaining a permit from the Department, and by placing fill in a freshwater wetland without first obtaining a permit from the Department. Specifically, fill was placed, soil was disturbed, and several structures including a gazebo, deck, footbridges, and walkways were constructed within seventy-five feet of the Sheepscot River. Several areas of wetland were filled as a result of these activities. Additionally, Edgecomb Development, LLC violated Maine's *Stormwater Management* law and a Department license issued pursuant to the *Stormwater Management* law by failing to follow plans submitted and approved in the licensing order. Specifically, Edgecomb Development constructed a parking lot which was not in conformance with the plans submitted and approved, and constructed impervious walkways and roadways which had not been approved. To resolve the violations, Edgecomb Development agreed to submit an after-the-fact application pursuant to the *Natural Resources Protection Act* for unapproved wetland alterations and all unapproved new structures and soil disturbance, and, if approved by the Department, immediately comply with all terms and conditions of the after-the-fact permit. In the event that the after-the-fact application is denied by the Department, Edgecomb Development agreed to submit a restoration plan to restore the altered wetland and restore any unapproved areas, and, upon approval, implement the plan. Additionally, Edgecomb Development agreed to submit an after-the-fact application pursuant to the *Stormwater Management* law to modify or amend its license to include all unapproved impervious surfaces and other variations, and, if approved by the Department, immediately comply with all terms and conditions of the after-the-fact permit. In the event that the after-the-fact application is denied by the Department, Edgecomb Development agreed to submit a restoration plan to bring the site into compliance with the existing stormwater license, and implement the plan. Edgecomb Development paid \$9,100.00 as a civil monetary penalty.



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Harry Hanscom d/b/a Hanscom Well Drilling, Lucerne, Maine. Harry Hanscom d/b/a Hanscom Well Drilling ("Hanscom") violated provisions of Maine's *Water Pollution Control* laws and *Erosion and Sedimentation Control* law by discharging soil and rock material from well drilling activities into Phillips Lake. During well drilling activities, Hanscom did not use any erosion controls to prevent soil and rock from washing into the lake. Following Department involvement, Hanscom installed proper erosion controls. To resolve the violations, Hanscom agreed to have all field supervisors attend a Department Nonpoint Source Training Center workshop focusing on erosion and sedimentation control devices and best management practices, and paid \$1,800.00 as a civil monetary penalty.

Rock Ridge Estates, Inc., Winslow, Maine. Rock Ridge Estates, Inc. ("Rock Ridge") violated Maine's *Site Location of Development* law by constructing a development of state or regional significance, namely a twenty-one lot subdivision on 56.44 acres, without first receiving approval from the Department for these activities. To resolve the violation, Rock Ridge agreed to preserve through a deed covenant and restriction a 100 foot wide natural buffer area of 8.75 acres, not subdivide the property further for a period of five years, and will pay \$19,100.00 as a civil monetary penalty.

Edwin R. Rolfe, Jr., Waterford, Maine. Edwin R. Rolfe, Jr. ("Rolfe") violated Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a Notice of Intent to Comply under the *Performance Standards for Excavations*. Department staff inspected Rolfe's gravel pit and determined that the pit had been expanded by 8.2 acres since 1970. To resolve the violation, Rolfe agreed to submit a complete after-the-fact Notice of Intent to Comply pursuant to the *Performance Standards for Excavations*, pay past due annual licensing fees, and paid \$2,500.00 as a civil monetary penalty.

Donald Therrien, Sabattus, Maine. Donald Therrien ("Therrien") violated provisions of Maine's *Natural Resources Protection Act*, *Water Pollution Control* laws, and *Erosion and Sedimentation Control* law by removing vegetation and disturbing soil in an area of approximately 20,000 square feet adjacent to Sabattus Pond, allowing soil to erode onto a neighbor's property and into Sabattus Pond, and by failing to take measures to prevent unreasonable erosion of soil beyond the project site or into a protected natural resource. To resolve the violations, Therrien agreed to revegetate the disturbed area within seventy-five feet of the pond, maintain erosion controls at the site so that no more sediment from the disturbed area enters the pond, and paid \$1,500.00 as a civil monetary penalty.

Multi-program:

Lin-Cor Environmental, LLC, Commercial Paving and Recycling Company, LLC, E. Lebanon Auto Sales, LLC, Lebanon, Maine. Lin-Cor Environmental, LLC ("Lin-Cor") and Commercial Paving and Recycling Company, Inc. ("Commercial") violated the *Natural Resources Protection Act* and the Department's rules for the *Beneficial Use of Solid Wastes* by filling approximately 2.2 acres of wetland with a fill material made from processed oil contaminated soil. Additionally, Lin-Cor violated Maine's *Site Location of Development Act* by creating structure area in excess of the statutory threshold without first obtaining a license from the Department, Maine's *Stormwater Management* law by creating impervious area in excess of the statutory threshold without first obtaining a license from the Department, and Maine's *Erosion and Sedimentation Control* law for failing to take



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measures to prevent the unreasonable erosion of soil into a protected natural resource. E. Lebanon Auto Sales, LLC ("E. Lebanon Auto Sales"), a subsequent purchaser of the subject property, was a party to the agreement for operating a facility in violation of the *Site Location of Development* law. Following Department involvement, Lin-Cor and Commercial immediately removed the fill material from the wetland and stockpiled the material on site. To resolve the violations, Lin-Cor, Commercial, and E. Lebanon Auto Sales agreed to reimburse the Department for expenses in the amount of \$13,154.66 related to removal of the processed oil contaminated soil from the wetland, and paid \$10,845.34 as a civil monetary penalty. Lin-Cor and E. Lebanon Auto Sales further agreed to remove the stockpiled fill material from the site and resolve drainage issues related to placement of fill on the site.

Water:

Cavendish Agri Services, Inc., Caribou, Maine. Cavendish Agri Services, Inc. ("Cavendish") violated provisions of Maine's *Water Pollution Control* laws by allowing fertilizer residue to wash from its facility into Longfellow Brook during clean-up operations causing water quality in the brook to fall below its water quality classification. Small brook trout and invertebrates were found dead in the brook. To resolve the violations, Cavendish agreed to modify its procedures to ensure that future fertilizer clean up activities would be conducted without water wash-down, recontour the facility's yard to direct runoff away from the brook, and paid \$11,170.00 as a civil monetary penalty. Of the total penalty amount, \$8,936.00 will be allocated to a Supplemental Environmental Project for hazardous waste collection activities coordinated by the Northern Maine Development Commission.

District Court Enforcement Resolutions (case caption followed by location of violation):

Cost Recovery:

State of Maine, Department of Environmental Protection v. T.H.A. Logging, Inc., Elliottsville Township, Maine. T.H.A. Logging, Inc. ("T.H.A. Logging") violated provisions of Maine's *Underground Oil Storage Facilities and Ground Water Protection* laws by failing to reimburse the Department for oil spill related expenses incurred by the Department. The Department conducted remediation activities related to a spill of diesel fuel that leaked from the Defendant's skid tank. The Department incurred clean-up expenses in the amount of \$2,469.48, which were paid from the State's *Ground Water Oil Clean-up Fund*. As the owner of the facility where a prohibited discharge of oil occurred, and the person who had custody or control of the oil at the time of the discharge, T.H.A. Logging is responsible for reimbursing the Department. The Department made several demands for payments prior to filing its complaint, but no payments were made by T.H.A. Logging. To resolve the violations, the Department and T.H.A. Logging agreed to the court's entry of an order requiring T.H.A. Logging to reimburse the Department the amount of \$2,469.48.

Oil:

State of Maine, Department of Environmental Protection v. Robert A. Everett d/b/a Everett's Service Station a/k/a Everett's Main Street Garage, Norridgewock, Maine. Robert A. Everett d/b/a Everett's Service Station a/k/a Everett's Main Street Garage ("Everett") violated provisions of Maine's *Underground Oil Storage Facilities*



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and Ground Water Protection laws and Rules for Underground Oil Storage Facilities. Everett failed to submit annual passing compliance inspections, failed to properly maintain and reconcile daily inventory records, failed to submit annual statistical inventory analyses, and failed to maintain adequate corrosion protection on piping. To resolve the violations, the Department and Everett agreed to the court's entry of an order requiring Everett to: immediately collect, reconcile, and maintain records of daily inventory, or, in the alternative, properly abandon the facility in accordance with Maine law and Department rule; submit a passing annual compliance inspection; submit an annual Statistical Inventory Analysis; and pay \$15,000.00 as a civil monetary penalty.

Superior Court Enforcement Resolutions (case caption followed by location of violation):

State of Maine and Department of Environmental Protection v. Jim Lundstrom, individually, and d/b/a Jim's Dry Cleaning, Millinocket, Maine. After several attempts to contact the Defendant, and following a motion filed by the State, the Superior Court for Penobscot County entered an *Ex Parte* Temporary Restraining Order against the Defendant related to the storage of hazardous waste containing drums located outside a former dry cleaning store. The Court entered an order allowing the Department to enter the subject property and inspect the location for evidence of hazardous waste and hazardous waste discharges, prohibiting the Defendant from interfering with the performance of the Department's duties at the site, authorizing law enforcement to accompany the Department when carrying out the provisions of the order, prohibiting the Defendant from removing any containers, waste, hazardous waste, chemicals, solvents, or other materials from the site without written approval from the Department, and otherwise requiring the Defendants to comply with the Department's hazardous waste management rules.